

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Balkema Excavating, Inc.
Aggregate Resources Plant
Galesburg, Michigan

FINDING OF VIOLATION

EPA-5-01-MI-06

PROCEEDINGS PURSUANT TO
THE CLEAN AIR ACT,
42 U.S.C. §§ 7401 et seq.

Finding of Violation

The United States Environmental Protection Agency finds that Balkema Excavating, Inc. (Balkema) violated Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Specifically, Balkema, at its Aggregate Resources Plant, violated the New Source Performance Standards (NSPS) General Provisions at 40 C.F.R. §60.7, as follows:

Regulatory Authority

1. The NSPS for Nonmetallic Mineral Processing Plants at 40 C.F.R. Part 60, Subpart 000, applies to the following affected facilities, which commenced construction, reconstruction, or modification after August 31, 1983, in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station.
2. "Affected facility" under the NSPS means, with reference to a stationary source, any apparatus to which a standard is applicable. 40 C.F.R. § 60.2.
3. The NSPS at 40 C.F.R. § 60.7(a)(1) requires owners or operators subject to the NSPS to furnish to the Administrator written notification of the date construction of an affected facility is commenced postmarked no later than 30 days after such date.
4. The NSPS at 40 C.F.R. § 60.7(a)(2) requires owners or operators subject to the NSPS to furnish to the Administrator a written notification of the anticipated date of the initial startup of an affected facility postmarked not more than 30 days prior to such date.
5. The NSPS at 40 C.F.R. § 60.7(a)(3) requires owners or operators subject to the NSPS to furnish to the Administrator a written notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

Balkema's Aggregate Resources Plant

6. Balkema owns and operates a sand and gravel plant designated as the Aggregate Resources Plant at 14500 E. Michigan, Galesburg, Michigan.
7. Balkema's Aggregate Resources Plant's 300 horsepower crusher (fines crusher) is subject to the requirements of the NSPS at 40 C.F.R. § 60.7(a)(1) - (3). It was constructed and began operation on approximately April 1, 1995, and was a larger replacement for two smaller facilities.

Violations

8. Balkema violated the NSPS at 40 C.F.R. § 60.7(a)(1), § 60.7(a)(2), and § 60.7(a)(3), because it failed to provide to the Michigan Department of Environmental Quality notification of the date construction of the facility commenced, the anticipated date of startup, and the actual date of startup of the fines crusher at the Aggregate Resources Plant.

1-5-01

Date



Bharat Mathur, Division Director
Air and Radiation Division